



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## QUIET PERIOD FOR THE VIRGIN MOBILE USA, L.P, COX COMMUNICATIONS, INC., TIME WARNER CABLE, INC., I-WIRELESS LLC, Q LINK WIRELESS, LLC AND GLOBAL CONNECTION INC. OF AMERICA FORBEARANCE PETITIONS

WC Docket No. 09-197  
WC Docket No. 11-42

### Quiet Period Begins: April 1, 2013

On June 26, 2009, the Commission adopted the *Forbearance Procedures Order*,<sup>1</sup> which put in place procedural rules governing forbearance petitions under section 10 of the Communications Act of 1934, as amended (the Act).<sup>2</sup> Specifically, section 1.58 of the Commission's rules provides for a two-week quiet period before the statutory deadline for Commission action in forbearance proceedings.<sup>3</sup> As indicated in the *Forbearance Procedures Order*, this public notice announces the beginning of the two-week quiet period.<sup>4</sup>

Virgin Mobile USA, L.P. (Virgin), Cox Communications, Inc. (Cox), Time Warner Cable, Inc. (TWC), i-wireless LLC (i-wireless), Q Link Wireless, LLC (Q Link), and Global Connection Inc. of America (Global Connection) (collectively, six petitions) each filed a petition requesting that the Commission forbear from applying the requirements of section 214(e)(5) of the Act and section 54.207(b) of the Commission's rules, to the extent that those provisions require that the service area of a competitive eligible telecommunications carrier (ETC) conform to the service area of any rural telephone company serving the same area, for the limited purpose of becoming an ETC to participate only in the Lifeline program (Lifeline-only ETC).<sup>5</sup> The statutory date on which Virgin Mobile's forbearance petition shall be

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<sup>1</sup> *Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as amended*, WC Docket No. 07-267, Report and Order, 24 FCC Rcd 9543 (2009) (*Forbearance Procedures Order*).

<sup>2</sup> 47 U.S.C. § 160.

<sup>3</sup> 47 C.F.R. § 1.58 (stating that “[t]he prohibition in § 1.1203(a) on contacts with decision makers concerning matters listed in the Sunshine Agenda shall also apply to a petition for forbearance for a period of 14 days prior to the statutory deadline under 47 U.S.C. § 160(c) or as announced by the Commission”); 47 C.F.R. § 1.1203.

<sup>4</sup> *Forbearance Procedures Order*, 24 FCC Rcd at 9560-61, para. 33.

<sup>5</sup> See 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207; Petition for Forbearance of Virgin Mobile USA, L.P., WC Docket No. 09-197 (filed Jan. 13, 2012) (Virgin Mobile Petition); Petition for Forbearance of Cox Communications, Inc., WC Docket No. 09-197 (filed Aug. 14, 2012) (Cox Petition); Time Warner Cable, Inc. Petition for Forbearance, WC Docket No. 09-197 (filed Nov. 13, 2012) (TWC Petition); i-wireless, LLC Petition for Forbearance, WC Docket No. 09-197 (filed Dec. 10, 2012) (i-wireless Petition); Q Link Wireless, LLC Petition for Forbearance, WC Docket No. 09-197 (filed Dec. 21, 2012); Global Connection Inc. of America Petition for Forbearance, WC Docket No. 09-197 (filed Jan. 31, 2013) (Global Connection Petition). Virgin Mobile, i-wireless, Q Link and Global Connection seek forbearance with respect to previously-granted Lifeline-only designations, as well as pending and future Lifeline- (continued....)

deemed granted, in the absence of a Commission denial of the petition, is April 15, 2013.<sup>6</sup> Given that the six petitions request similar relief, the Commission intends to address all petitions simultaneously.<sup>7</sup> We therefore apply the quiet period required by section 1.58 of the Commission's rules to the six petitions. Based on the statutory deadline for the Virgin Mobile Petition, the quiet period for this proceeding **begins April 1, 2013.**<sup>8</sup>

Section 1.58 extends the prohibition in section 1.1203(a) (governing contacts with decision makers concerning matters listed in the Sunshine Agenda) to petitions for forbearance "for a period of 14 days prior to the statutory deadline."<sup>9</sup> Accordingly, all presentations to decision makers concerning the six petitions, whether *ex parte* or not, are prohibited during the two-week quiet period, beginning April 1, 2013.<sup>10</sup>

For further information, please contact Alex Minard, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-0428 or TTY (202) 418-0484.

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only designation requests. *See* Virgin Mobile Petition at 1; i-wireless Petition at 1-2; Q Link Petition at 1; Global Connection at 1-2. Cox and TWC seek forbearance with respect to pending and future Lifeline-only designation requests. *See* Cox Petition at 1; TWC Petition at 1.

<sup>6</sup> Pursuant to section 10(c), the Commission's Wireline Competition Bureau extended the initial one-year statutory period by an additional 90 days, from January 15, 2013 to April 15, 2013. *See Telecommunications Carriers Eligible to Receive Universal Service Support; Virgin Mobile USA, L.P. Petition for Forbearance*, WC Docket No. 09-197, Order, 27 FCC Rcd 15809 (Wireline Comp. Bur. 2012).

<sup>7</sup> *See supra* note 5.

<sup>8</sup> "Absent unusual circumstances, this quiet period will end with the release of a Commission order addressing the forbearance petition[s], or if approved by the Commission, withdrawal of the petition by the petitioner." *Forbearance Procedures Order*, 24 FCC Rcd at 9561, para. 34.

<sup>9</sup> *Id.* at 9561, para. 33 n. 110; 47 C.F.R. §§ 1.58, 1.1203.

<sup>10</sup> 47 C.F.R. §§ 1.58, 1.1203. In accordance with the purpose of section 1.58 of the Commission's rules, comments submitted on any Commission blog pages during the quiet period will not be considered by the Commission in finalizing the item under consideration.